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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/955,889	09/18/2001	Sabina J. Houle	042390P9484	1451

7590 12/01/2003

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Los Angeles, CA 90025-1026

EXAMINER

FLANIGAN, ALLEN J

ART UNIT	PAPER NUMBER
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3753

DATE MAILED: 12/01/2003

13

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/955,889

Applicant(s)

HOULE ET AL.

Examiner

Allen J. Flanigan

Art Unit

3753

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on ____.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 6-15 is/are pending in the application.
- 4a) Of the above claim(s) ____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) ____ is/are allowed.
- 6) ☒ Claim(s) 6-15 is/are rejected.
- 7) ☐ Claim(s) ____ is/are objected to.
- 8) ☐ Claim(s) ____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on ____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. §§ 119 and 120

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. ____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
* See the attached detailed Office action for a list of the certified copies not received.
- 13) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application) since a specific reference was included in the first sentence of the specification or in an Application Data Sheet. 37 CFR 1.78.
a) ☐ The translation of the foreign language provisional application has been received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121 since a specific reference was included in the first sentence of the specification or in an Application Data Sheet. 37 CFR 1.78.

Attachment(s)

- 1) ☐ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449) Paper No(s) 9.
- 4) ☐ Interview Summary (PTO-413) Paper No(s). ____.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____

The text of those sections of Title 35, U.S. Code not included in this action can be found in a prior Office action.

Claims 6-10 and 12-14 are rejected under 35 U.S.C. 102(e) as being anticipated by Tobita.

Please see the comments made in regard to the above rejection in the previous Office actions (mailed 3/27/03 and 8/8/03).

Claims 11 and 15 are rejected under 35 U.S.C. 103(a) as being unpatentable over Tobita.

Please see the comments made in regard to the above rejection in the previous Office actions (mailed 3/27/03 and 8/8/03).

Applicant's arguments filed 11/13/03 have been fully considered but they are not persuasive.

It is noted that the claims have not been amended since the last Office action.

Applicant confesses to having difficulty understanding Tobita. The statement in Tobita cited by the Examiner, particularly as it would be understood by one skilled in the art, is neither vague nor difficult to understand. It clearly suggests fibers oriented in another direction in addition to the X, Y, and Z directions (see lines 13-17 of column 3). It is mathematically impossible for "more than three" directions, which include Z, X, and Y directions, to fail to include a direction which is not X, Y, or Z, and consequently will be at an angle of between 0 and 90 degrees to at least two of

the X, Y, or Z directions. Nevertheless, for the applicant's benefit, here is a relevant citation from the computer translation of the priority document available at the Japanese patent website:

<http://www6.ipdl.jpo.go.jp/Tokujitu/PAJdetail.ipdl?N0000=80&N0120=01&N2001=2&N3001=2000-273196>

“[0011] The thermally conductive resin substrate of this invention is characterized by arranging polybenzazole fiber in the thickness direction and/or the direction of a field of a resin substrate. By arranging polybenzazole fiber in the thickness direction and/or the direction of a field of a substrate, the thermal conductivity of the arranged fiber-length direction becomes good . . . By making polybenzazole fiber arrange in the thickness direction and the directions of plurality more than the 2-way within a field, such as three or more (a Z direction, the direction of X, the direction of Y, and another direction within XY side) etc. directions While enlarging the thermal conductivity of the arbitrary directions where each polybenzazole fiber was arranged, it became possible to control a coefficient of thermal expansion.”

Regarding claim 10, applicant has merely asserted lack of anticipation by Tobita while ignoring the specific section of this reference that contains the teaching relevant to this claim (different volume densities of fibers in different layer/directions). Such bald assertions are hardly persuasive.

This is an RCE of applicant's earlier Application of the same Serial number. All claims are drawn to the same invention claimed earlier in the application and could have been finally rejected on the grounds and art of record in the next Office action if they had been entered earlier in the

application. Accordingly, **THIS ACTION IS MADE FINAL** even though it is effectively a first action in this case. See MPEP § 706.07(b). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no, however, event will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Allen J. Flanigan whose telephone number is (703) 308-1015. The examiner can normally be reached on M-F 9:00-5:30.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, David Scherbel can be reached on (703) 308-1272. The fax phone number for the organization where this application or proceeding is assigned is (703) 308-7764.

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Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (703) 308-0861.

A handwritten signature in black ink, reading "allen J. Flanigan". The signature is written in a cursive, flowing style with a large, stylized "F".

Allen J. Flanigan
Primary Examiner
Art Unit 3753

AJF